

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Section 621(a)(1) of the Cable)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended)	
by the Cable Television Consumer Protection and)	
Competition Act of 1992)	

COMMENTS OF THE CITY OF SALEM, MASSACHUSETTS

The Second Further Notice of Proposed Rulemaking (FNPRM) referenced above and currently being considered by the Commission would limit control over decisions that should be made locally, and significantly impede the communications infrastructure of the City. As issuing authority over the agreement between the City of Salem and Comcast, I am filing opposition to the FNPRM in the name of the City and its residents.

The City of Salem currently contracts Comcast to provide cable services. This contract expires in 2024 and provides the city \$.50 per subscriber each year and a four percent PEG Access payment. A portion of the PEG Access payment has partially funded a fiber optic network that allows our local, designated access corporation, Salem Access Television "SATV," to use and connect video and audio equipment and encoders/decoders to the City of Salem Fiber Optic Network which consists of all fiber optic lines, software, switching and/or processing equipment located throughout the installed City of Salem Fiber Optic Network. Salem is a city of over 42,000 residents north of Boston which features a thriving business district, a booming tourism industry and an active, diverse population. Since 1994, the designated access corporation in the City has been SATV. Since its incorporation, SATV has become an invaluable community partner to City

government, local nonprofits, schools and individuals. Thousands of individuals living or working in Salem have been able to take advantage of training and access to technology offered by SATV and hundreds of thousands of hours of local programming has been produced, aired and archived over the years. If the Commission enacts these rules, SATV may be forced to close its doors or at the very least, greatly alter its mission and service to the public. The loose interpretation of “in-kind services” will lead to arbitrary decision making on the part of the cable company, who will monetarily benefit to the detriment of residents and consumers in this city.

Cable-related contributions are not a benefit to the franchising authority, as interpreted by the Commission. These payments are made to the residents of Salem as compensation for use of public rights of way. This is a critical distinction. These fees, much like build-out obligations defined in the FNPRM, are and should be considered community benefits. By defining the cable company’s long standing obligation as a “donation”, the FCC puts Salem residents at great risk of losing vital communication services. For example, cable services in the schools is a benefit of a locally negotiated contract. This is a benefit to school children and teachers...not to the franchising authority. The programming and services offered by SATV are also a benefit to the community, not to the City. While the City does require SATV to cover certain municipal meetings and local events, it is the public who benefits from this production.

The City of Salem is also deeply concerned about the way in which the FNPRM would limit local control over non-cable services and facilities such as placement of small cells. As the population of the city grows, wireless companies are continually looking to bolster signals. In order to maintain the health of residents and aesthetic appeal – especially in an historic district – maintaining local control over certain decisions is vital. This is why Massachusetts has fought so long to maintain local franchising rights.

The Commissions' FNPRM makes broad strokes that are beneficial to the cable companies and takes very little consideration of the people who have benefitted and continue to benefit from a mutually beneficial arrangement. The Cable Communications Policy Act of 1984 was put in place so that the general public would be properly compensated for Cable's use of public utilities. Since then, large corporations have greatly benefitted from this arrangement, while residents have always had the option of participation in or viewership of local channels. The FNPRM tips the scales in favor of the cable companies with little regard to the municipalities and individuals who rely on franchise-related income. For all of the reasons stated above, I stand opposed to these rule changes and sincerely hope the Commission will refrain from enacting them.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Kim Driscoll", is written over a horizontal line.

Kimberley Driscoll, Mayor

October 31, 2018

